

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

JACQUES R. SLOCUM,
ADC #152766

PLAINTIFF

V.

4:12CV00664 SWW

LATONYA LAIRD AUSTIN;
and AUSTIN LAW FIRM

DEFENDANTS

ORDER

Plaintiff, Jacques R. Slocum, is a prisoner in the Cummins Unit of the Arkansas Department of Correction. He has recently filed a *pro se*¹ § 1983 Complaint alleging that Defendants violated his constitutional rights.

The fee for filing a § 1983 action in federal court is \$350. Plaintiff has not paid

¹ Plaintiff is notified of his responsibility to comply with Local Rule 5.5(c)(2), which states: "It is the duty of any party not represented by counsel to promptly notify the Clerk and the other parties to the proceedings of any change in his or her address, to monitor the progress of the case, and to prosecute or defend the action diligently. A party appearing for himself/herself shall sign his/her pleadings and state his/her address, zip code, and telephone number. If any communication from the Court to a *pro se* plaintiff is not responded to within thirty (30) days, the case may be dismissed without prejudice. Any party proceeding *pro se* shall be expected to be familiar with and follow the Federal Rules of Civil Procedure."

Plaintiff is further notified of 28 U.S.C. § 1915(g), which provides that a prisoner may not proceed with a civil suit *in forma pauperis* "if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury."

the filing fee or filed an Application to Proceed *In Forma Pauperis*. If Plaintiff wishes to pursue this action, he must, within thirty days of the entry of this Order, either: (1) pay the \$350 filing fee in full; or (2) file a properly completed Application to Proceed *In Forma Pauperis*, along with a properly completed prisoner calculation sheet.²

However, Plaintiff should be aware that, even if he is granted permission to proceed *in forma pauperis*, he still must pay the \$350 filing fee in full. 28 U.S.C. § 1915(b). The only difference is that, by being granted permission to proceed *in forma pauperis*, Plaintiff will be allowed to pay the \$350 filing fee in monthly installments taken from his institutional account, rather than all at once, at the time of filing his Complaint. *Id.* **Further, if Plaintiff's case is subsequently dismissed for any reason, including a determination that it is frivolous, malicious, fails to state a claim, or seeks monetary relief against a defendant who is immune from such relief, the full amount of the \$350 filing fee will be collected and no portion of this filing fee will be refunded to Plaintiff.**

IT IS THEREFORE ORDERED THAT:

² Plaintiff must sign the Application to Proceed *In Forma Pauperis*. In contrast, the prisoner calculation sheet must be completed and signed by an authorized prison official.

1. The Clerk is directed to send Plaintiff an Application to Proceed *In Forma Pauperis*, along with a prison calculation sheet.

2. Plaintiff must, **within thirty days of the entry of this Order**, either: (a) pay the \$350 filing fee in full; or (b) file a properly completed Application to Proceed *In Forma Pauperis* and prisoner calculation sheet.

3. Plaintiff is reminded that the failure to timely and properly comply with this Order will result in the dismissal of this case, without prejudice, pursuant to Local Rule 5.5(c)(2).

Dated this 5th day of November, 2012.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE